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Serial No. 10/625,902
OKI.556

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Hideyuki Otake

Group Art Unit:

Serial No.: 10/625,902

Examiner:

Filed: July 24, 2003

Confirm. No.: 1200

FOR: DIGITAL-TO-ANALOG CONVERTING CIRCUIT

PETITION UNDER 37 C.F.R. 1.47(b) REQUESTING ACCEPTANCE OF APPLICATION

U.S. Patent and Trademark Office
220 20th Street, S.
Customer Window, **Mail Stop Missing Parts**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Date: October 6, 2004

Sir:

It is respectfully petitioned that the above identified application be accepted as made by Fumitaka YOKOYAMA, on behalf of unavailable, non-signing inventor Hideyuki OTAKE.

Enclosed is a Declaration of Facts Under 37 C.F.R. 1.47(b) by Fumitaka YOKOYAMA, Manager of the Legal and Intellectual Property Division, Oki Electric Industry Co., Ltd., who has first hand knowledge of the facts regarding the effort made to reach non-signing inventor Hideyuki OTAKE. It is respectfully submitted that non-signing inventor Hideyuki OTAKE has resigned from Oki Electric Industry Co., Ltd., and

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05 FC:1460

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01 FC:1401 790.00 OP
02 FC:1401 180.00 OP
03 FC:1202 68.00 OP
04 FC:1254 1530.00 OP

“cannot be found or reached after diligent effort”, and thus has not executed the Declaration in connection with the above identified application.

As established in the Declaration of Facts, the application including the Declaration and Assignment were sent via express mail company on May 24, 2004, to the last known address of non-signing inventor Hideyuki OTAKE at:

28-7 Ohno, Momoyama-cho

Fushimi, Kyoto, Japan.

A copy of the Request for Inventor’s Signature and an English Translation thereof are attached to the Declaration of Facts.

Also enclosed herewith is an employee agreement as executed by inventor Hideyuki OTAKE, and an English Translation thereof, in which inventor Hideyuki OTAKE has assigned and transferred to Oki Electric Industry Co., Ltd. the entire right to any inventions made during employment.

Also submitted concurrently herewith is a Declaration signed by Fumitaka YOKOYAMA on behalf of non-signing inventor Hideyuki OTAKE. In accordance with Manual of Patent Examining Procedure section 409.03(b) and 37 C.F.R. 1.47(b), Fumitaka YOKOYAMA should be treated as a person with a demonstrated proprietary interest to make application on behalf of and as an agent of Oki Electric Industry Co., Ltd., for non-signing inventor Hideyuki OTAKE, who cannot be found or reached after diligent effort.

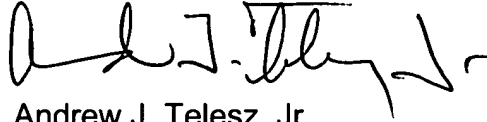
A Petition fee in the amount of \$130.00 as required by 37 C.F.R. 1.17(h) is

application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCO & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read "A. J. Telesz, Jr.", with a stylized flourish at the end.

Andrew J. Telesz, Jr.
Registration No. 33,581

One Freedom Square
11851 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877

Enclosures: • Petition Under 37 C.F.R. 1.47(b) Requesting Acceptance of Application
• Copy of Notice to File Missing Parts of Nonprovisional Application
• Executed Declaration



I (We) hereby certify that, in accordance with the terms and conditions set forth in the office regulations, I (we) have assigned and transferred to Oki Micro Design Co., Ltd. and/or Oki Electric Industry Co., Ltd. the entire right to be awarded patents (including any foreign country patents) or design patents with respect to the above-mentioned inventions or design creations.



OKI.556

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Hideyuki Otake

Group Art Unit: Unknown

Serial No.: 10/625,902

Examiner: Not Assigned

Filed: July 24, 2003

For: DIGITAL-TO-ANALOG CONVERTING CIRCUIT

DECLARATION OF FACTS UNDER 37 C.F.R. §1.47(b)

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window,
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

I, Mr. Fumitaka YOKOYAMA, verify that I am the **Manager of the Legal & Intellectual Property Division**, Oki Electric Industry Co., (hereinafter referred to as Oki) and that I have first hand knowledge of the facts regarding the effort made to reach non-signing inventor Hideyuki OTAKE for the purpose of executing the application papers for U.S. Patent Application No. 10/625,902 (hereinafter referred to as the above identified application);

That the above identified application claims priority under 35 U.S.C. 119 to Japanese Patent Application No. 2002-215121, filed on July 24, 2002;

That the above identified application was filed on July 24, 2003, without an executed Declaration, so as to maintain priority under 35 U.S.C. 119 to Japanese Patent Application No. 2002-215121;

That upon attempts to reach inventor Hideyuki OTAKE after filing of the above identified application on July 24, 2003, Mr. Yoshio OHTSUKI, President and Chief Executive Officer of Oki Micro Design Co., Ltd., confirmed that non-signing inventor Hideyuki OTAKE had resigned from Oki on March 20, 2004, as evidenced by the resignation certificate (a copy of which and an English language translation thereof are enclosed as Exhibit A);

That the last known residence address and telephone number of non-signing inventor Hideyuki OTAKE is:

28-7 Ohno, Momoyama-cho

Fushimi, Kyoto, Japan

TEL: 075-621-8785;

That a Request for Inventor's signature (a copy of which and an English language translation thereof are enclosed as Exhibit B), and the application papers including a Declaration and an Assignment, were sent via express mail company to the above noted last known address of non-signing inventor Hideyuki OTAKE on May 24, 2004;

That we assume the documents were surely delivered because the express mail company did not send us "non-delivery certification", and because the express mail company policy is to inform us of "non-delivery" notification if documents can not be delivered;

That a few weeks after the deadline passed, the executed documents were not received, and that it was supposed that Mr. Otake refused to sign the documents;

That upon my attempt to reach non-signing inventor Hideyuki OTAKE at his last known telephone number (075-621-8785), someone other than non-signing inventor Hideyuki OTAKE responded, but we could not confirm anything because she refused to answer any questions, and she said "I could not tell anything";

That I have made a diligent effort to contact non-signing inventor Hideyuki OTAKE, but my efforts have been unsuccessful;

That non-signing inventor Hideyuki OTAKE made the invention as described in the present application while employed at Oki; and

That all statements herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that the statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Sep. 28, 2004

Tenitaka Yokoyama
Signature

Enclosures:

- Exhibit A: Resignation Certificate and translation
- Exhibit B: Request for Inventor's Signature and translation
- Exhibit C: Secrecy Agreement

A circular black and white stamp. The text "O I P E" is curved along the top inner edge. The date "OCT 06 2004" is stamped in the center. The text "PATENT & TRADEMARK" is curved along the bottom inner edge. On the right side, "JIC 35" is written vertically, and "MARITIME" is written vertically on the far right.

[illegible]

退 職 証 明 書

下記の者は、2004年3月20日をもって株式会社
沖マイクロデザインを退職したことを証明致します。

氏 名 大竹 英之

入社年月日 1999年 4月 21日

Resignation Certification

I hereby certify that the above-identified employee has been resigned from
Oki Micro Design Co., Ltd. On March 20, 2004.

NEME: Hideyuki OTAKE

Date of joining : April 21, 1999

Length of service: 4 years and 11 months

July 1, 2004

Yoshio OHTSUKI
President and Chief Executive Officer
Oki Micro Design Co., Ltd.
7083 Kihara, Kiyotake-cho, Miyazaki-gun, Miyazaki, Japan

2004年 5月24日

大竹 英之 様

沖電気工業株式会社
法務・知的財産部

知

的財産担当

課長 高田 政彦

(扱い : 国江)

発明者サインのお願い

弊社整理番号 : F - 01ED0303 - US - ED

拝啓 時下いよいよご清祥のこととお喜び申し上げます。

貴殿ご発明、日本国出願番号特願2002-215121号につきまして、
2003年7月24日に米国へ特許出願されました。ご多忙のところ誠に恐縮ですが、下記に従いまして添付書類への署名および
回答をしていただきますようお願い申し上げます。また、米国特許庁への提出期限がございますので、署名後の書類につきまし
ては2004年 6月 7日 (月) までにご返送願います。

敬具

記

- サインして頂く書類は Declaration および Assignment、秘密保持誓約書の
3種類です。各書類の内容をご理解の上サイン願います。
尚、それぞれサイン個所には付箋が張っております。
- Declaration および Assignment に関するサイン方法につきましては、
添付の「原稿チェック / 英文サインのお願い」を参考にしてください。
- 送付書類はすべてご返送願います。

以上

添付書類 :

- | | |
|------------------------------|-------|
| ① 秘密保持誓約書 | 1 部 |
| ② Declaration および Assignment | 各 1 部 |
| ③ 出願英文明細書および図面 | 各 1 部 |

④ 下記に示す「発明者サインのお願い」に関する依頼書一式 各 1 部

- ・ 発明者サインのお願い (本状)
- ・ 原稿チェック / 英文サインのお願い

OKI

沖電気工業株式会社

法務・知的財産部

〒105-8460

東京都港区虎ノ門 1 丁目 7 番 1 2 号

TEL (03)5445-6803(ダイヤル)

FAX (03)3798-7246

May 24, 2004

Dear Mr. Hideyuki OTAKE

Oki Electric Industry CO.,Ltd.
Legal & Intellectual Property Division
From Kunie on behalf of Makoto TAKASHIMA, Manager

Request for Inventor's signature

Our reference number : F - 01ED0303 - US - ED

Dear Sirs,

We are pleased to announce that your invention have been filed on July 24, 2003 based on Japanese Application of 2002-215121.

We would like to sign your signature to attached documents in accordance with the followings.

Also, we would like to return the executed documents by June 7, 2004 because of the due date of the USPTO.

NOTE

- # The documents to sign your signature are a Declaration, an Assignment and a secrecy agreement. Before signing, please understand the details of each document.
- # As to the Description of a means for sing the Declaration and the Assignment, please refer to an attached instruction of "Request for reviewing the application and signing your signature."
- # Please return all the documents we have forwarded.

Attachments:

1. secrecy agreement
2. Declaration and Assignment forms
3. the Draft English Specification and Drawings for patent application
4. Documentation for Request letters including
 - A letter for Request for Inventor's signature(this letter)
 - A letter for Request for reviewing the application and signing your signature

OKI

沖電気工業株式会社
Legal & Intellectual Property Division
1-7-12 Toranomon Minato-ku, Tokyo 105-8460
TEL (03)5445-6803
FAX (03)3798-7246

Secrecy Agreement

Our Reference number: F-01ED0303-US-ED

I hereby declare that :

I understand that the documents listed below is confidential and proprietary ("Confidential Information") to Oki Electric Industry Co., Ltd.; and I shall keep such Confidential Information and documents confidential and secret, and shall not disclose such Confidential Information and documents to any third party until the subject matter, including but not limited to any invention or discovery, of such Confidential Information and documents become published and known to the public without any breach of my confidentiality obligation hereunder.

Date

TO Oki Electric Industry Co., Ltd.

Name : _____ seal

Address: _____

NOTE

Documents containing Confidential Information as enclosed:

1. the Draft English Specification and Drawings for patent application
2. Declaration and Assignment forms
1. Documentation for Request letters including
 - A letter for Request for Inventor's signature
 - A letter for Request for reviewing the application and signing your signature

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